

Central Intelligence Agency

Pt. 1908

Freedom of Information Act, the Privacy Act, or the mandatory declassification review provisions of this Order.

§ 1907.24 Designation of authority to hear challenges.

The Deputy Director for Administration has designated the Agency Release Panel and the Historical Records Policy Board, established pursuant to 32 CFR 1900.41, as the Agency authority to hear and decide challenges under these regulations.

§ 1907.25 Action on challenge.

(a) *Action by Agency Release Panel.* The Executive Secretary shall place challenges ready for adjudication on the agenda at the next occurring meeting of the Agency Release Panel. The Executive Secretary shall provide a summation memorandum for consideration of the members; the complete package consisting of the challenge, the information at issue, and the findings of the originator and interested parties shall also be provided. The Agency Release Panel shall meet and decide challenges sitting as a committee of the whole. Decisions are by majority vote of those present at a meeting and shall be based on the written record and their deliberations; no personal appearances shall be permitted without the express permission of the Panel.

(b) *Action by Historical Records Policy Board.* In any cases of divided vote by the ARP, any member of that body is authorized to refer the request to the CIA Historical Records Policy Board which acts as the senior corporate board for the Agency. The record compiled (the request, the memoranda filed by the originator and interested parties, and the previous decision(s)) as well as any memorandum of law or policy the referent desires to be considered, shall be certified by the Executive Secretary of the Agency Release Panel and shall constitute the official record of the proceedings and must be included in any subsequent filings.

§ 1907.26 Notification of decision and prohibition on adverse action.

The Executive Secretary of the Agency Release Panel shall communicate

the decision of the Agency to the authorized holder, the originator, and other interested parties within ten (10) days of the decision by the Panel or Board. That correspondence shall include a notice that no adverse action or retribution can be taken in regard to the challenge and that an appeal of the decision may be made to the Interagency Security Classification Appeals Panel (ISCAP) established pursuant to § 5.4 of this Order.

RIGHT OF APPEAL

§ 1907.31 Right of appeal.

A right of appeal is available to the ISCAP established pursuant to § 5.4 of this Order. Action by that body will be the subject of rules to be promulgated by the Information Security Oversight Office (ISOO).

PART 1908—PUBLIC REQUESTS FOR MANDATORY DECLASSIFICATION REVIEW OF CLASSIFIED INFORMATION PURSUANT TO § 3.6 OF EXECUTIVE ORDER 12958

GENERAL

Sec.

- 1908.01 Authority and purpose.
- 1908.02 Definitions.
- 1908.03 Contact for general information and requests.
- 1908.04 Suggestions and complaints.

FILING OF MANDATORY DECLASSIFICATION REVIEW (MDR) REQUESTS

- 1908.11 Preliminary information.
- 1908.12 Requirements as to form.
- 1908.13 Fees.

AGENCY ACTION ON MDR REQUESTS

- 1908.21 Receipt, recording, and tasking.
- 1908.22 Requests barred by res judicata.
- 1908.23 Determination by originator or interested party.
- 1908.24 Notification of decision and right of appeal.

AGENCY ACTION ON MDR APPEALS

- 1908.31 Requirements as to time and form.
- 1908.32 Receipt, recording, and tasking.
- 1908.33 Determination by Deputy Director(s).
- 1908.34 Establishment of appeals structure.
- 1908.35 Action by appeals authority.
- 1908.36 Notification of decision and right of further appeal.